



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WESTERN REGIONAL OFFICE

MITT ROMNEY  
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Lieutenant Governor

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Secretary

ROBERT W. GOLLEDGE, Jr.  
Commissioner

## Administrative Change to an AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("The Department") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

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**ISSUED TO ["the Permittee"]:**

Mt. Tom Generating Company, LLC  
51 JFK Parkway, Suite 200  
Short Hills, NJ 07078

**INFORMATION RELIED UPON:**

Application No. 1-O-95-028  
Transmittal No. 101339

**FACILITY LOCATION:**

Mount Tom Station  
200 Northampton Street  
Holyoke, MA 01040

**FACILITY IDENTIFYING NUMBERS:**

SSEIS ID No. 0420040  
FMF FAC No. 130900  
FMF RO No. 50020

**NATURE OF BUSINESS:** Electric Power Generation

**RESPONSIBLE OFFICIAL:**

Name: Steve Herman  
Title: Executive Vice President  
Phone: (973) 671-6110

**FACILITY CONTACT PERSON:**

Name: John Murray  
Title: Station Manager  
Phone: (413) 536-9562

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**This operating permit shall expire on 12/30/2007.**

For the Department of Environmental Protection, Bureau of Waste Prevention

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

November 2, 2006  
Date



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## SPECIAL CONDITIONS FOR OPERATING PERMIT

### **1. PERMITTED ACTIVITIES**

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee (Mt. Tom Generating Company, LLC - hereinafter “Mt. Tom”) is authorized to operate the air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

### **2. EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
Emission Unit (EU)	Description of Emission Unit	EU Design Capacity	Pollution Control Device
1B	Riley Stoker Boiler	1,480 MMBtu/hr	<u>Pre 310 CMR 7.29</u> electrostatic precipitator low NO <sub>x</sub> burners overfire air <u>Post 310 CMR 7.29:</u> Conversion to cleaner coals Upgraded combustion controls and burner system Selective Catalytic Reduction (SCR)
3B-a	Flyash conveying vacuum producer and storage silo vents	N/A	fabric filter
3B-b	Flyash conveying vacuum producer and storage silo vents	N/A	fabric filter
4B-a	Flyash conveying vacuum producer and storage silo vents	N/A	fabric filter
4B-b	Flyash conveying vacuum producer and storage silo vents	N/A	fabric filter
9C	Parts cleaner	N/A	None

#### Table 1 Notes:

1. Pre 310 CMR 7.29: Pollution Control Devices/Techniques that are currently in operation at Mt. Tom. Post 310 CMR 7.29: Pollution Control Devices/Techniques that are proposed by Mt. Tom for compliance with 310 CMR 7.29 in accordance with approval 1-E-01-072. Refer to Section 8 for schedule of compliance with 310 CMR 7.29.

#### Abbreviations for Table 1:

EU = emission unit

N/A = not applicable

MMBtu/hr = fuel heat input in million British Thermal Units per hour

gal = gallon

### **3. IDENTIFICATION OF INSIGNIFICANT ACTIVITIES**

The following have been found to be exempt activities as provided in 310 CMR 7.00: Appendix C(5)(h):

<b>Table 2</b>	
Description of Current Exempt Activities	Reason
A list of exempt activities is contained in the application and shall be updated by Mt. Tom to reflect changes at the facility over the permit term. Mt. Tom shall maintain an updated list of exempt activities at the facility and on file with the Department.	

## **4. APPLICABLE REQUIREMENTS**

A. EMISSION LIMITS AND RESTRICTIONS - The Permittee is subject to the emission limits/restrictions as contained in Table 3 below:

<b>Table 3</b>					
EU #	Fuel or Raw Mat.	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
1B	Bituminous Coal  (No. 1 or No. 2 oil for light-off)	See Special Condition 35.	SO <sub>2</sub>	$\leq 1.2 \text{ lb/MMBtu}^{(1)}$ See Special Conditions 3, 4, 5 and 6.	DEP Approval #1-B-90-099 (dated 5/3/94; amended 3/3/98)  310 CMR 7.22(1); 40 CFR Parts 72 and 73
			PM <sup>(2)</sup>	$\leq 0.08 \text{ lb/MMBtu}$	310 CMR 7.17(2)
			NO <sub>x</sub>	$\leq 0.45 \text{ lb/MMBtu}^{(3)}$	DEP Approval #1-B-94-011 (dated 8/11/94) 310 CMR 7.19(4)(a) 1.b.40 CFR Part 76
			NO <sub>x</sub>	See Special Conditions 1 and 2.	310 CMR 7.27 310 CMR 7.28
			CO	$\leq 200 \text{ ppmvd corrected to } 3\% \text{ O}_2^{(3)}$	DEP Approval #1-B-94-011 (dated 8/11/94) 310 CMR 7.19(4)(f)
			Smoke	$\leq$ No. 1 of the Chart <sup>(4)</sup> no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)
			Opacity	$\leq 20\%$ , except 20 to $\leq 40\%$ for $\leq 2$ minutes during any one hour	310 CMR 7.06(1)(b)
			Sulfur in fuel	Coal - $\leq 1.21 \text{ lb/MMBtu}$ heat release potential Oil - $\leq 0.17 \text{ lb/MMBtu}$ heat release potential; 0.3% sulfur by weight	DEP Approval dated 3/14/84  310 CMR 7.05(1)
			Ash in fuel	Coal - $\leq 9\%$ by weight, dry basis, 12 month rolling basis; not to exceed 12% by weight, dry basis, per cargo	310 CMR 7.05(3)(c). DEP Approval #PV-82-C-005 (2/14/83 amendment) DEP Approval #1-P-05-031 (dated 8/30/05)

Table 3 (continued)					
EU #	Fuel or Raw Mat.	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
1B	Bituminous Coal  (No. 1 or No. 2 oil for light-off)	See Special Condition 35.	NO <sub>x</sub>	≤ 3.5 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly. (6)	Approval 1-E-01-072 (dated June 7, 2002)
				≤ 2.8 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly. (6)	Approval 1-E-01-072 (dated June 7, 2002)
				≤ 1.5 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly. (6)	310 CMR 7.29(5)(a)1.a.
				≤ 3.0 lbs/MWh calculated over any individual month. (6)	310 CMR 7.29(5)(a)1.b.
			SO <sub>2</sub> See Special Conditions 9 and 10	≤ 10.0 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly. (6)	Approval 1-E-01-072 (dated June 7, 2002)
				≤ 9.0 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly. (6)	Approval 1-E-01-072 (dated June 7, 2002)
				≤ 6.0 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly. (6)	310 CMR 7.29(5)(a)2.a.
				≤ 3.0 lbs/MWh calculated over any 12 month period, recalculated monthly. (6)	310 CMR 7.29(5)(a)2.b.i.
				≤ 6.0 lbs/MWh calculated over any individual month. (6)	310 CMR 7.29(5)(a)2.b.ii.
			Hg	Total mercury removal efficiency of ≥85%, rolling 12 month basis; or total mercury emissions rate of ≤0.0075 lbs/GWh, rolling 12 month basis	310 CMR 7.29(5)(a)3.e
				Total mercury removal efficiency of ≥95%, rolling 12 month basis; or total mercury emissions rate of ≤0.0025 lbs/GWh, rolling 12 month basis	310 CMR 7.29(5)(a)3.f
				Total annual mercury emissions from combustion of solid fuels in units subject to Part 72 located at an affected facility shall not exceed 4.1 pounds, the average annual emissions calculated using the results of the stack tests required in 310 CMR 7.29(5)(a)3.d.ii. (6) See Special Condition 11	310 CMR 7.29(5)(a)3.c. 310 CMR 7.29(6)(a)4 DEP Approval #1-E-01-072
			CO	Reserved	310 CMR 7.29(5)(a)4
			CO <sub>2</sub>	Emissions of carbon dioxide from the affected facility in the calendar year, expressed in tons, from Part 72 units located at the affected facility shall not exceed historical actual emissions of 1,117,569 tons. (6)	310 CMR 7.29(5)(a)5.a.

Table 3 (continued)					
EU #	Fuel or Raw Mat.	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
				≤ 1800 lbs/MWh in the calendar year. (6)	310 CMR 7.29(5)(a)5.b.
			PM 2.5	Reserved	
			NH <sub>3</sub>	≤ 5 ppmvd corrected to 3% O <sub>2</sub> (7), ≤ 0.003 lb/MMBtu (7), ≤ 3.8 lb/hr, ≤ 16.4 tons/12 consecutive months See Special Conditions 12-17	DEP Approval 1-P-05-014 for SCR (dated June 27, 2005)
3B-a, 3B-b, 4B-a, 4B-b	flyash	none	Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
9C	degreasing solvent	< 100 gallons of solvent per month per degreaser	VOC <sup>(5)</sup>	N/A	310 CMR 7.03(8) 310 CMR 7.18(8)(a)

Notes for Table 3:

- (1) Compliance based on a calendar year average
- (2) Particulate matter as measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.
- (3) Calendar day average
- (4) Chart means the Ringelmann Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Information Circular No. 8333, or any smoke inspection guide approved by the Department.
- (5) Petroleum hydrocarbon (contains no halogens)
- (6) Refer to Section 8 for schedule of compliance with emission limits/standards as stipulated in 310 CMR 7.29 and Approval 1-E-01-072 (dated June 7, 2002, revised ss/ss/ss). These requirements are state only until 310 CMR 7.29 is incorporated into the State Implementation Plan (SIP).
- (7) One hour average

Abbreviations for Table 3:

EU = emission unit  
ppmvd = parts per million by volume, dry basis  
lb/MMBtu = pounds per million British Thermal Units  
NO<sub>x</sub> = oxides of nitrogen  
CO = carbon monoxide  
CO<sub>2</sub> = carbon dioxide  
PM = particulate matter  
lbs/MWh = pounds per Megawatt-hour of net electrical output

SO<sub>2</sub> = sulfur dioxide  
O<sub>2</sub> = molecular oxygen  
VOC = volatile organic compounds  
< = less than  
≤ = less than or equal to  
Hg = mercury  
PM 2.5 = Fine Particulate Matter

NH<sub>3</sub> = ammonia  
lbs/hr = pounds per hour

- B. COMPLIANCE DEMONSTRATION - The Permittee is subject to the monitoring, testing, recordkeeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10): and applicable requirements as contained in Table 3, unless otherwise specified below.

Table 4	
EU #	Monitoring/Testing Requirements
1B	(1) In accordance with Department Approval No. 1-B-94-011 and 310 CMR 7.14(2), 310 CMR 7.19(13)(a)1., 40 CFR Part 72, 310 CMR 7.27(11), and 310 CMR 7.28(11), Mt. Tom shall monitor the NO <sub>x</sub> emission rate and mass emissions using Continuous Emissions Monitoring Systems (CEMS) meeting the requirements 40 CFR Part 75. In addition, the NO <sub>x</sub> emission monitoring shall use the procedures contained in 40 CFR Part 75 to gather and analyze data and provide quality assurance and quality control. Compliance with 40 CFR Part 75 shall constitute compliance with this requirement.
	(2) In accordance with Approval No. 1-B-94-011, the programmable logic controller serving the CEMS shall be programmed to obtain readings from the NO <sub>x</sub> and CO monitor at least every 10 seconds and compute 15-minute block averages as well as one hour averages as specified by 310 CMR 7.19(13)(b)9. Mt. Tom shall calculate the NO <sub>x</sub> emission rate using the procedures specified in 40 CFR Part 75 Appendix F, Conversion Procedures.
	(3) In accordance with 310 CMR 7.19(13)(b)10., Mt. Tom shall operate its CEMS at all times that the emission unit is operating except for periods of CEMS calibration checks, zero span adjustment, reasonable maintenance, and periods of unexpected and unavoidable failure of the equipment. Notwithstanding such exceptions, in all cases Mt. Tom shall obtain valid data for at least 75% of the hours per day, 75% of the days per month, and 90% of the hours per quarter during which the emission unit is operating. This requirement applies to the monitoring of CO emissions. When monitoring SO <sub>2</sub> and NO <sub>x</sub> , Mt. Tom shall comply with the data availability requirements specified in 40 CFR Part 75.
	(4) In accordance with 310 CMR 7.19(13)(a)1., Mt. Tom shall demonstrate compliance with CO emission limits/standards with Continuous Emissions Monitoring Systems (CEMS) as specified in 310 CMR 7.19(13)(b). CO emissions shall be monitored as specified in 310 CMR 7.19(13)(b)1. through 7.19(13)(b)12. In accordance with 310 CMR 7.14(2), Mt. Tom shall monitor CO emissions with CEMS certified in accordance with the performance specifications contained in 40 CFR Part 60, Appendix B and use the procedures contained in 40 CFR Part 60, Appendix F to provide quality assurance and quality control.
	(5) In accordance with the Acid Rain Program 40 CFR Part 72 and 310 CMR 7.14(2), Mt. Tom shall monitor SO <sub>2</sub> emissions with CEMS meeting the requirements of 40 CFR Part 75 and use the procedures contained therein to gather and analyze data, provide quality assurance and quality control. Compliance with 40 CFR Part 75 shall constitute compliance with this requirement.
	(6) In accordance with the Acid Rain Program 40 CFR Part 72 and 310 CMR 7.27(11)(b), Mt. Tom shall monitor flue gas mass or volumetric flow with a CEMS flow monitoring system pursuant to 40 CFR Part 75 and use the procedures contained therein to gather and analyze data, provide quality assurance and quality control.
	(7) In accordance with Approval No. 1-B-90-099, Mt. Tom shall demonstrate compliance with the Massachusetts Acid Rain Law set forth in 310 CMR 7.22 by monitoring each fuel utilization facility that is part of said approval. The monitoring shall include the quantity of each fuel burned (gallons, tons, or cubic feet), the sulfur content (pounds per million Btu and percent by weight), and the average heating value or heat input of each fuel burned (Btu per gallon, ton, or cubic foot). Where applicable, such data shall be from CEMS that meet the monitoring requirements of 40 CFR Part 75.
	(8) In accordance with Approval No. 1-B-94-011 and the Acid Rain Program 40 CFR Part 72, Mt. Tom shall measure carbon dioxide (CO <sub>2</sub> ) in the flue gas using CEMS. The CO <sub>2</sub> CEMS shall meet the requirements of 40 CFR Part 75 in order to convert SO <sub>2</sub> and NO <sub>x</sub> continuous emission monitoring data to units of the applicable emission standards as specified in Table 3. Compliance with 40 CFR Part 75 shall constitute compliance with this requirement.
	(9) Mt. Tom shall use the substitution procedures for missing data specified in 40 CFR Part 75 Subpart D and/or 40 CFR Part 75 §75.70(f) whenever the CEMS fail to measure and record a valid quality-assured hour of data for SO <sub>2</sub> , NO <sub>x</sub> , CO <sub>2</sub> , exhaust flow, or heat input.
	(10) In accordance with 40 CFR Part 75, Mt. Tom shall perform annual Relative Accuracy Test Audits (RATA), quarterly Cylinder Gas Audits (CGA), calibrations for the Continuous Opacity Monitoring System (COMS), and CEMS calibrations using the procedures specified in 40 CFR Part 75.



Table 4 (continued)	
EU #	Monitoring/Testing Requirements
1B (continued)	(11) In accordance with 310 CMR 7.14(2) and the Acid Rain Program 40 CFR Part 72 and 40 CFR Part 75, Mt. Tom shall monitor the opacity of the flue gas using a Continuous Opacity Monitoring System (COMS). The opacity COMS shall meet Performance Specification 1 of 40 CFR Part 60, Appendix B. In accordance with 310 CMR 7.04(2)(a), the COMS shall be equipped with audible alarms and recorders that signal the need for combustion equipment adjustment or repair when the smoke density is equal to or greater than No. 1 of the Chart.
	(12) Mt. Tom shall determine opacity in accordance with 40 CFR Part 60, Appendix A, Method 9 if it conducts testing of visible emissions during a COMS malfunction. This method shall also apply to any detached plumes.
	(13) In accordance with Approval No. 1-B-94-011, Mt. Tom shall monitor the temperature of the exhaust stream using a CEMS meeting the requirements of 310 CMR 7.19(13)(b).
	(14) In accordance with 310 CMR 7.19(13)(d)3., on a daily basis Mt. Tom shall measure the type of fuel(s) burned each day, heat content of each fuel, the total heating value of the fuel consumed for each day, the actual emission rates of CO and NO <sub>x</sub> , and the allowable emission rates of CO and NO <sub>x</sub> .
	(15) In accordance with 310 CMR 7.00 Appendix C(9)(b), Mt. Tom shall monitor sulfur and ash content of each new shipment of coal, No. 1, or No. 2 fuel oil received. Compliance with the percent sulfur in fuel and percent ash in fuel requirements can be demonstrated by maintaining a shipping receipt from the fuel supplier (shipping certification), through testing (testing certification), or using CEMS where applicable. The shipping receipt certification or testing certification of sulfur and ash content shall document that the testing has been conducted in accordance with the applicable ASTM test methods: (for sulfur D129-64, D1072-56, D12266-67, D1552-83, D2622-87, D4294-90; and for ash: D482-95) or any other method approved by the Department and EPA. If a shipping receipt for a shipment of oil fuel oil certifies that it meets the ASTM definition for No. 1 or No. 2 oil, Mt. Tom need not test said fuel for ash content or obtain further documentation that said fuel meets the ash limitation specified in Table 3 of this Permit.
	(16) In accordance with 310 CMR 7.04(4)(a), Mt. Tom shall inspect and maintain the facility in accordance with the manufacturers' recommendations and test it for efficient operation at least once each calendar year. The results of said inspection, maintenance, and testing and the date upon which it was performed shall be recorded and posted conspicuously on or near the facility.
	(17) In accordance with approval 1-E-01-072 and 310 CMR 7.29, actual emissions shall be monitored for the individual unit in the calculation for demonstrating compliance. Actual emissions shall be monitored in accordance with 40 CFR Part 75 for SO <sub>2</sub> , CO <sub>2</sub> , and NO <sub>x</sub> . The Department shall detail the monitoring methodology for Hg, CO and PM 2.5 at the time regulations are promulgated by the Department for those parameters.
	(18) In accordance with approval 1-E-01-072 and 310 CMR 7.29, monitor actual net electrical output, expressed in megawatt-hours. Actual net electrical output shall be provided for the individual unit in the calculation demonstrating compliance.
	(19) In accordance with approval 1-E-01-072 and 310 CMR 7.29(5)(a)3.d.i., sample each shipment of coal at the time received and test the coal for chlorine and mercury content. Perform stack testing for mercury in accordance with approval 1-E-01-072 and 310 CMR 7.29(5)(a)3.d.ii.
	(20) In accordance with approval 1-E-01-063 and 310 CMR 7.28(11)(a)(4), all monitoring systems are subject to initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in 40 CFR Part 75 Subpart H.
	(21) As required by approval 1-E-01-063 and 310 CMR 7.28(11)(a)(5), during a period when valid data is not being recorded by a monitoring system approved under 310 CMR 7.28, the missing or invalid data must be replaced with default data in accordance with the provisions of 40 CFR 75.70(f). The applicable missing data procedures are specified in 40 CFR Part 75 for NO <sub>x</sub> emission rate (in lb/MMBtu), heat input, stack gas volumetric flow rate, oil density, GCV or fuel flow rate.
	(22) In accordance with approval 1-E-01-063 and 310 CMR 7.28(11)(a)(6), NO <sub>x</sub> emissions data must be reported to the NO <sub>x</sub> Emissions Tracking System (NETS) in accordance with 310 CMR 7.28(13).
	(23) In accordance with approval 1-E-01-063 and 310 CMR 7.28(11)(a)(7), budget units must report data pursuant to the requirements of 310 CMR 7.28(11) for every hour.
	(24) In accordance with approval 1-E-01-063 and 310 CMR 7.28(11)(b), any person who owns, leases, operates or controls a budget unit subject to 310 CMR 7.28 must comply with the notification requirements in 40 CFR 75.61, where applicable.

Table 4 (continued)	
EU #	Monitoring/Testing Requirements
1B (continued)	(25) In accordance with approval 1-E-01-063 and 310 CMR 7.28(11)(a)(1), any person who owns, leases, operates or controls a budget unit that commences operation before January 1, 2002 shall install, operate and successfully complete all applicable certification testing requirements for monitoring heat input, NOx emission rate and NOx mass emissions pursuant to the requirements of 40 CFR Part 75 Subpart H by May 1, 2002.
	<p>(26) In accordance with 310 CMR 7.29(5)(a)3.g.i, by January 1, 2008, Mt. Tom shall install, certify, and operate a Hg CEMS. Mt. Tom shall:</p> <ul style="list-style-type: none"> <li>(i) submit a preliminary CEMS monitoring plan for Department approval at least 180 days prior to equipment installation;</li> <li>(ii) include the following information in the preliminary CEMS monitoring plan: source identification, source description, control technology description, the applicable regulations, the type of monitor, a monitoring system flow diagram, a description of the data handling system, and a sample calculation demonstrating compliance with the emission limits using conversion factors from 40 CFR Part 60 or Part 75 or other proposed factors;</li> <li>(iii) submit for Department approval a CEMS certification protocol at least 90 days prior to certification testing for the CEMS, and any proposed adjustment to the certification testing at least seven days in advance;</li> <li>(iv) include the following information in the certification protocol: the location of and specifications for each instrument or device, as well as procedures for calibration, operation, data evaluation and data reporting;</li> <li>(v) install, calibrate, maintain and operate a CEMS for measuring mercury at locations approved in the Department's approval of the CEMS certification protocol and record the output of each CEMS;</li> <li>(vi) submit a certification report within 60 days of the completion of the certification test for Department approval;</li> <li>(vii) certify each CEMS in accordance with the quality assurance and quality control procedures contained in 40 CFR Part 60 Appendix F and continue to comply with the requirements of 40 CFR Part 60 Appendix F;</li> <li>(viii) calculate a calendar month average from a block hourly average for each hour the emissions unit is operating and a block hourly average from all valid data points generated by a CEMS;</li> <li>(ix) operate each continuous emission monitoring system at all times that the emissions unit(s) is operating except for periods of CEMS calibrations checks, zero span adjustment, and preventive maintenance as described in the monitoring plan approved by the Department and as determined during certification. Notwithstanding such exceptions, in all cases obtain valid data for at least 75% of the hours per day, 75% of the days per month, and 90% of the hours per quarter during which the emission unit is combusting solid fossil fuel or ash;</li> <li>(x) use only valid data to calculate mercury emissions using conversion factors and calculations from 40 CFR Part 60 or approved by the Department;</li> <li>(xi) maintain a record of all measurements, performance evaluations, calibration checks, and maintenance or adjustments for each continuous emission monitor; and</li> <li>(xii) submit to the appropriate Department regional office by the 30<sup>th</sup> day of April, July, October, and January, a report detailing any of the following that have occurred within the previous calendar quarter; in the event none of the following items have occurred, such information shall be stated in the report: <ul style="list-style-type: none"> <li>- the date and time that any mercury CEMS stopped collecting valid data and when it started to collect valid data again, except for zero and span checks and</li> <li>- the nature and date of system repairs.</li> </ul> </li> </ul>
	(27) In accordance with 310 CMR 7.29(5)(a)3.g.ii, if Hg CEMS capable of measuring only vapor-phase mercury are installed at a unit for purposes of determining compliance with the standards in 310 CMR 7.29(5)(a)3.c., e. and f., total mercury shall be determined by taking into account the average particulate-bound mercury measured during the most recent stack test on that unit in combination with the total vapor-phase mercury measured by the CEMS until such time as mercury CEMS to measure particulate-bound mercury are installed at a unit.

Table 4 (continued)	
EU #	Monitoring/Testing Requirements
1B (continued)	(28) In accordance with Conditional Approval No. 1-P-05-014 for the SCR system, Mt. Tom shall install NH <sub>3</sub> CEMs with the outputs directed to the data acquisition system. These monitors will be used initially as operating indicators versus direct compliance level monitors due to the uncertain NH <sub>3</sub> CEM performance on coal fired boilers. The NH <sub>3</sub> CEMs will become direct compliance monitors upon written notification by the Department to Mt. Tom based on a determination by the Department that the NH <sub>3</sub> CEMs are reliable and accurate. The NH <sub>3</sub> CEMs shall comply with the linearity check and RATA frequencies and grace periods as specified in 40 CFR 75 in conducting gas audits and RATAs.
	(29) In accordance with Conditional Approval No. 1-P-05-014 for the SCR system, NH <sub>3</sub> CEM data will initially be used as an operational tool. Compliance with the NH <sub>3</sub> emission limit will be determined during the initial compliance test, and by quarterly compliance testing performed three, six, nine and twelve months thereafter. The NH <sub>3</sub> CEMs shall operate during NH <sub>3</sub> compliance testing and the test report shall be submitted to the Department within 60 days after completion of testing. On an annual basis, starting 90 days after the fourth compliance test (initial and following three quarters), the applicant shall submit a report on the performance and relative accuracy of the NH <sub>3</sub> CEMs, a recommendation on the feasibility of their use as a compliance determination method, and proposed frequency for future NH <sub>3</sub> compliance testing.
	(30) In accordance with Conditional Approval No. 1-P-05-014 for the SCR system, Mt. Tom shall ensure that the proposed facility (SCR) is constructed to accommodate the emissions (compliance) testing requirements contained herein. All emissions testing shall be conducted in accordance with the Department's "Guidelines for Source Emissions Testing" and in accordance with the Environmental Protection Agency reference test methods as specified in 40 CFR Part 60, Appendix A.
	(31) In accordance with Conditional Approval No. 1-P-05-014 for the SCR system, Mt. Tom shall conduct initial compliance tests to demonstrate that the boiler is in compliance with the emission limits (lb/hr, lb/MMBtu, ppmvd) for NH <sub>3</sub> . Testing shall be conducted at approximately 100% of rated base load. Mt. Tom shall also conduct testing for total particulate, keeping separate the front half of the catch from the back half, and opacity.
	(32) In accordance with Conditional Approval No. 1-P-05-014 for the SCR system, Mt. Tom shall conduct initial emission compliance tests no later than 180 days after the date the boiler is available for commercial operation with the SCR system in continuous operation. The emission compliance test program shall comply with the Department of Environmental Protection Guidelines for Source Emission Testing.
	(33) In accordance with Conditional Approval No. 1-P-05-014 for the SCR system, Mt. Tom must obtain written Department approval of an emissions test protocol. The protocol shall include a detailed description of sampling port locations, sampling equipment, sampling and analytical procedures, and operating conditions for any such emissions testing. It must be submitted to the Department at least 30 days prior to commencement of testing of the facility.
	(34) In accordance with Conditional Approval No. 1-P-05-014 for the SCR system, Mt. Tom shall conduct an NH <sub>3</sub> /NO <sub>x</sub> optimization/minimization emission test program and submit the final test report to the Department at least 30 days prior to the start of emission compliance testing.
	(35) In accordance with Conditional Approval No. 1-P-05-031, Mt. Tom shall obtain certification from the supplier for each shipment of coal that includes the following information: a) The name of the coal supplier; and b) Percent ash content (by weight, dry basis).
3B-a, 3B-b, 4B-a, and 4B-b	(36) In accordance with 310 CMR 7.00: Appendix C(9)(b)2., Mt. Tom shall monitor the flyash conveying system baghouses with broken bag detectors. The broken bag detectors shall be configured and calibrated such that they will automatically shut down the conveying system if a broken bag is detected.
9C	(37) In accordance with 310 CMR 7.18(8)(g), Mt. Tom shall upon request of the Department, perform or have performed tests to demonstrate compliance with 310 CMR 7.18(8).
Facility- Wide	(38) In accordance with 310 CMR 7.13, Mt. Tom shall conduct stack testing, upon written request of the Department, for any air contaminant for which the Department has determined testing is necessary, to ascertain compliance with the Department's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method(s) if approved by the Department and EPA.
	(39) Mt. Tom shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.

Table 5	
EU#	Recordkeeping Requirements
1B	(1) In accordance with 40 CFR Part 75, 310 CMR 7.19(13)(a)1., 310 CMR 7.19(13)(b)1. through 7.19(13)(b)12., 40 CFR Part 60, Appendix B, and 40 CFR Part 60 Appendix F, Mt. Tom shall record the emissions of NO <sub>x</sub> , CO, SO <sub>2</sub> , CO <sub>2</sub> , and the flue gas opacity and volumetric flow rate on a continuous basis.
	(2) In accordance with Department Approval No. 1-B-90-99 and 310 CMR 7.19(13)(d), on a daily basis Mt. Tom shall record the type(s) of fuel burned, the quantity of each fuel (gallons, tons, or cubic feet), the sulfur content of each fuel (pounds per million Btu and percent by weight), the average heating value (Btu per gallon, ton, or cubic foot) of each fuel, and the total heating value of each fuel consumed.
	(3) Mt. Tom shall keep records of any opacity tests performed in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A.
	(4) Mt. Tom shall keep and maintain all Smoke Density Indicator Recording Charts required by 310 CMR 7.04(2)(a) and/or COMS records required by 40 CFR Part 75 and 40 CFR Part 60, Appendix B.
	(5) In accordance with 310 CMR 7.00: Appendix C(9)(b)2., Mt. Tom shall keep and maintain fuel analysis results used to demonstrate compliance with fuel sulfur and ash content requirements.
	(6) In accordance with 310 CMR 7.04(4)(a), Mt. Tom shall maintain records of the results of fuel utilization facility inspection, maintenance, and testing and the date(s) upon which it was performed. Such records shall be posted conspicuously on or near the facility.
	(7) In accordance with 310 CMR 7.19(13)(d)1. and 40 CFR Part 75, Mt. Tom shall maintain records of all measurements, performance evaluations, calibration checks, maintenance, and adjustments for each CEM.
	(8) In accordance with 310 CMR 7.19(13)(d)8., all records required by 310 CMR 7.19(13)(d), including computer retained and generated data, shall be kept in a permanently bound log book or any other form acceptable to the Department for a period of at least five (5) years.
	(9) In accordance with 40 CFR Part 75 §75.53, Mt. Tom shall prepare and maintain a monitoring plan containing sufficient information on the CEMS and COMS to demonstrate that all emissions of SO <sub>2</sub> , NO <sub>x</sub> , CO <sub>2</sub> , and opacity are monitored and reported. Mt. Tom shall update the monitoring plan whenever it makes a replacement, modification, or change in the certified CEMS and/or COMS, including a change in the automated data acquisition and handling system or in the flue gas handling system. The monitoring plan shall contain all of the information required by 40 CFR Part 75 §75.53(e).
	(10) In accordance with 40 CFR Part 75 §75.57, Mt. Tom shall maintain a file of all measurements, data, reports, and other information required by 40 CFR Part 75. Said file shall include all information required by 40 CFR Part 75 §75.57(a)(1) through (6).
	(11) Mt. Tom shall keep records of all measurements, data, reports and other information required by 310 CMR 7.27.
	(12) In accordance with approval 1-E-01-072 and 310 CMR 7.29, maintain a record of actual emissions for each regulated pollutant for each of the preceding 12 months. Actual emissions shall be recorded for individual units and as a facility total for all units included in the calculation demonstrating compliance. Actual emissions provided under this section shall be recorded in accordance with 40 CFR Part 75 for SO <sub>2</sub> , CO <sub>2</sub> , and NO <sub>x</sub> , in accordance with approval 1-P-05-014 for Hg, and for CO, and PM 2.5 at the time regulations are promulgated by the Department for those parameters.
	(13) In accordance with approval 1-E-01-072 and 310 CMR 7.29, maintain a record of actual net electrical output for each of the preceding 12 months, expressed in megawatt-hours. Records of actual net electrical output shall be maintained for the individual unit in the calculation demonstrating compliance.
	(14) In accordance with approval 1-E-01-072 and 310 CMR 7.29, maintain a record of the resulting output-based emission rates for each of the preceding 12 months, and each of the 12 consecutive rolling month time periods, expressed in pounds per megawatt-hour. Output based emission rates shall be provided for the individual emission unit in the calculation demonstrating compliance.
	(15) In accordance with approval 1-E-01-072 and 310 CMR 7.29(5)(a)3.d.i., maintain records of mercury and chlorine content of each shipment of coal as tested at the time received, and each stack test for mercury as per 1-E-01-072 and 310 CMR 7.29(5)(a)3.d.ii.
	(16) In accordance with approval 1-E-01-063 and 310 CMR 7.28(8)(e), information on the Authorized Account Representative (AAR) Form must be kept current.

Table 5	
EU#	Recordkeeping Requirements
	(17) As required by approval 1-E-01-063 and 310 CMR 7.28(12), any person who owns, leases, operates or controls a budget unit must keep all measurements, data, reports and other information required by 310 CMR 7.28 for five years, or any other period consistent with the budget unit's operating permit
1B (continued)	(18) In accordance with 310 CMR 7.29(7)(e), if Mt. Tom uses carbon or other sorbent injection for mercury control, the following records shall be kept until such time as mercury CEMS are installed at that unit: 1. The average carbon or other sorbent mass feed rate (in lbs/hr) estimated during the initial mercury optimization test and all subsequent mercury emissions tests, with supporting calculations. 2. The average carbon or other sorbent mass feed rate (in lbs/hr) estimated for each hour of operation, with supporting calculations. 3. The total carbon or other sorbent usage for each calendar quarter, with supporting calculations. 4. The carbon or other sorbent injection system operating parameter data for the parameter(s) that are the primary indicator(s) of carbon or other sorbent feed rate. 5. Identification of the calendar dates when the average carbon or other sorbent mass feed rate recorded under 310 CMR 7.29(7)(e)2. was less than the hourly carbon feed rate estimated during and recorded under 310 CMR 7.29(7)(e) 1., with reasons for such feed rates and a description of corrective actions taken. 6. Identification of the calendar dates when the carbon injection or other sorbent system operating parameter(s) that are the primary indicator(s) of carbon or other sorbent mass feed rate recorded under 310 CMR 7.29(7)(e)4. are below the level(s) estimated during the optimization tests for mercury with reasons for such occurrences and a description of corrective actions taken.
	(19) In accordance with 310 CMR 7.29(7)(f), if Mt. Tom uses technology other than carbon or other sorbent for mercury control, the operating parameter records to be kept until such time as mercury CEMS are installed at that unit shall be proposed to the Department in the emission control plan application required under 310 CMR 7.29(6)(a)3.
	(20) Mt. Tom shall keep all measurements, data, reports, and other information required by 310 CMR 7.29 on-site for a minimum of five (5) years.
	(21) In accordance with Conditional Approval No. 1-P-05-014, a record keeping system for the proposed facility (SCR) shall be established and maintained on site by Mt. Tom. All such records shall be maintained up-to-date such that year-to-date information is readily available for Department examination upon request. The record keeping log/system, including any other "credible evidence", shall be kept on-site for a minimum of five (5) years. Record keeping shall, at a minimum, include: a) Compliance records sufficient to demonstrate that emissions from the facility have not exceeded emission limits contained in Conditional Approval No. 1-P-05-014. Such records shall include, but are not limited to, fuel usage rate, emissions test results, monitoring equipment data and reports. b) Maintenance: A record of routine maintenance activities performed on the proposed control equipment and monitoring equipment including, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed. c) Malfunctions: A record of all malfunctions on the proposed emission control and monitoring equipment including, at a minimum: the date and time the malfunction occurred; a description of the malfunction and the corrective action taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed and the equipment was returned to compliance.
	(22) In accordance with Conditional Approval No. 1-P-05-014 for the SCR system, Mt. Tom shall maintain on-site for five (5) years all records of output from all continuous monitors for flue gas emissions and fuel consumption, and shall make these records available to the Department upon request.
	(23) In accordance with Conditional Approval No. 1-P-05-014, Mt. Tom shall maintain a log to record problems, upsets or failures associated with the proposed emission control systems (SCR).
	(24) In accordance with approval 1-P-05-031, Mt. Tom shall generate monthly reports in-house that document fuel use and compliance with the 12% per cargo and 9% per 12 rolling month ash limits. If any limits are exceeded, Mt. Tom shall notify the Department in writing no later than the 15 <sup>th</sup> day of the following month.

Table 5	
EU#	Recordkeeping Requirements
	(25) In accordance with approval 1-P-05-031, Mt. Tom shall maintain coal certification, including coal supplier and %ash per shipment, and coal purchase records at the facility. These records shall be kept on site for five (5) years from date of record and shall be made available to the Department upon request.
3B-a, 3B-b, 4B-a, and 4B-b	(26) In accordance with 310 CMR 7.00: Appendix C(9)(b), Mt. Tom shall keep records of inspections and/or maintenance performed on the fabric filters, including the locations of any broken bags.
9C	(27) In accordance with 310 CMR 7.03(6) and (8), Mt. Tom shall establish and maintain a recordkeeping system onsite and in sufficient detail to document the date of construction, substantial reconstruction or alteration of the emission unit. In addition, the recordkeeping system shall document the solvent usage rate of the emission unit in gallons per month.
Facility-wide	(28) In accordance with 310 CMR 7.00: Appendix C(9)(b)2., Mt. Tom shall maintain the test results of any stack testing performed in accordance with 310 CMR 7.13(1) or of any other testing or testing methodology required by the Department or EPA.
	(29) Mt. Tom shall maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12 and keep copies of Source Registration/Emission Statement Forms submitted annually to the Department as required by 310 CMR 7.12(3)(b).
	(30) In accordance with 310 CMR 7.00: Appendix C(10)(b), Mt. Tom shall maintain records of all monitoring data and supporting information required by this operating permit on site for five (5) years from the date of the monitoring sample, measurement, report or initial operating permit application.

Table 6	
EU #	Reporting Requirements
1B	<p>(1) In accordance with 310 CMR 7.14(2) and 310 CMR 7.19(13)(d)2., Mt. Tom shall submit CEM Excess Emission Reports for each calendar quarter by the thirtieth (30th) day of April, July, October, and January covering the previous calendar periods of January through March, April through June, July through September, and October through December, respectively. Such reports shall disclose any instances in which the emissions of NO<sub>x</sub>, CO and SO<sub>2</sub> and/or visible emissions (opacity and/or smoke exclusive of uncombined water) exceeded the emission limits/standards contained in Table 3. In addition, the reports shall contain the following information:</p> <ul style="list-style-type: none"> <li>a. The date and time of commencement and completion of each period of excess emissions and the magnitude of the excess emissions;</li> <li>b. Identification of the suspected reasons for the excess emissions and any corrective actions or preventative measures taken;</li> <li>c. The date(s) and time(s) the CEMS and/or COMS stopped collecting valid data and the corresponding date(s) and time(s) said systems started to collect valid data again;</li> <li>d. CEMS and/or COMS downtime due to equipment malfunctions such as excessive zero and span drift and calibrations;</li> <li>e. The nature and date of any CEMS or COMS repairs;</li> <li>f. The emission unit's total operating time during the quarter;</li> <li>g. The percentage of operating time when excess emissions for the emission unit during each quarter occurred; and</li> <li>h. The CEMS and COMS data capture percentage for each pollutant.</li> </ul>
	<p>(2) In accordance with 310 CMR 7.27(13)(a)1., 310 CMR 7.27(13)(b), and 310 CMR 7.27(13)(c), Mt. Tom shall submit to the USEPA Acid Rain Division all NO<sub>x</sub> emissions and operating information for each calendar quarter of each year in accordance with the standards specified in 40 CFR Part 75, Subpart G. The submission must be in an electronic format which meets the requirements of EPA's Electronic Data Reporting (EDR) convention. Quarterly reports must contain NO<sub>x</sub> emissions in pounds per hour for every hour and cumulative quarterly and seasonal NO<sub>x</sub> emissions data in pounds in a format consistent with the EDR convention. Mt. Tom shall submit quarterly reports as part of the quarterly reports submitted to EPA to comply with 40 CFR Part 75.</p>

Table 6	
EU #	Reporting Requirements
1B (continued)	(3) In accordance with Department Approval No. 1-B-90-099, Mt. Tom shall submit SO <sub>2</sub> emission reports for each calendar quarter to verify compliance with the Massachusetts Acid Rain Law, 310 CMR 7.22. Said reports shall be submitted by the 30 <sup>th</sup> day of April, July, October, and January covering the previous calendar periods of January through March, April through June, July through September, and October through December, respectively. For each fuel utilization facility that is part of the acid rain control plan, said reports shall contain a monthly summary and a calendar year to date summary of: <ul style="list-style-type: none"> <li>a. the type(s) of fuel burned;</li> <li>b. the quantity of each fuel (gallons, tons, or cubic feet), the sulfur content of each fuel (pounds per million Btu and percent by weight); and</li> <li>c. the average heating value (Btu per gallon, ton, or cubic foot) of each fuel burned.</li> </ul>
	(4) In accordance with 310 CMR 7.19(13)(d)9., Mt. Tom shall submit compliance records within ten (10) days of written request by the Department or EPA.
	(5) Mt. Tom shall comply with all reporting requirements set forth in 40 CFR Part 75 Subpart G, including, but not limited to, all notifications required by 40 CFR Part 75 §75.61, submittal of a monitoring plan as required by 40 CFR Part 75 §75.62, submittal of applications for recertification as required by 40 CFR Part 75 §75.63, and submittal of quarterly reports as required by 40 CFR Part 75 §75.64. Said quarterly reports shall be submitted to EPA in an approved electronic format and shall include all information required by 40 CFR Part 75 §75.64(a) through (c).
	(6) By January 30 of the year following the earliest applicable compliance date for the affected facility under 310 CMR 7.29(6)(c), and January 30 of each calendar year thereafter, the company representative responsible for compliance shall submit a compliance report to the Department demonstrating the facility's compliance status with the emission standards contained in 310 CMR 7.29(5)(a) and in approval 1-E-01-072. The report shall demonstrate the facility's compliance status with applicable monthly emission rates for each month of the previous calendar year, and each of the twelve previous consecutive 12-month periods. The compliance report shall include all information and statements listed in 310 CMR 7.29(7)(b)1-4. <sup>1</sup>
	(7) In accordance with approval 1-E-01-072 and 310 CMR 7.29, the Department may verify the facility's compliance status by whatever means necessary, including but not limited to requiring the affected facility to submit information on actual electrical output of company generating units provided by the New England Independent System Operator (ISO), or any successor thereto.
	(8) In accordance with approval 1-E-01-072 and 310 CMR 7.29(5)(a)3.d.i., submit a report containing the mercury and chlorine content test results of each coal shipment received with the results of the next stack testing for mercury in accordance with the schedule contained in 310 CMR 7.29(5)(a)3.d.ii.
	(9) As required by approval 1-E-01-063 and 310 CMR 7.28(13)(a)(1), for units commencing operation prior to May 1, 2002, the AAR must submit quarterly reports for each calendar quarter beginning with: the earlier of the calendar quarter that includes the date of initial certification or, if the certification tests are not completed by May 1, 2002, the partial calendar quarter from May 1, 2002 through June 30, 2002. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of certification or the first hour on May 1, 2002.
	(10) In accordance with approval 1-E-01-063 and 310 CMR 7.28(13)(b), the AAR for each budget unit using CEMS must submit to the Administrator all emissions and operating information for each calendar quarter of each year in accordance with the standards specified in 40 CFR Part 75 Subpart H and 40 CFR 75.64.
	(11) In accordance with approval 1-E-01-063 and 310 CMR 7.28(13)(c)(1), for units subject to an Acid Rain Emissions limitation, quarterly reports shall include all of the data and information required in 40 CFR Part 75 Subpart H for each NO <sub>x</sub> Budget unit (or group of units using a common stack) as well as information required in 40 CFR Part 75 Subpart G.
	(12) NO <sub>x</sub> emissions data should be reported directly to EPA's National Computer Center mainframe computer in a method acceptable to EPA. The deadline to submit data to EPA is 30 days after the end of each calendar quarter.
	(13) In accordance with 310 CMR 7.28(13), NO <sub>x</sub> emissions data must be reported pursuant to the requirements of 310 CMR 7.28(11)(a)(6), (a)(7) and (b).

Table 6 (continued)	
EU #	Reporting Requirements
1B (continued)	(15) In accordance with 310 CMR 7.28(15), for each control period, the AAR for the budget unit shall submit by November 30 of each year, an annual compliance certification report to the Department and the NATS Administrator. The compliance certification shall contain, at a minimum, the items listed in 310 CMR 7.28(15)(c)1 through 8.
	(16) Notification of QA testing is required for RATAs and Appendix E/LME tests. Notification must be made at least 21 days prior to the scheduled test date to the EPA as required by 40 CFR 75.61, to the DEP Lawrence office at DEP, Wall Experiment Station, 37 Shattuck Street, Lawrence, MA 01843-1398 Attn: Source Monitoring Section, and to the DEP Regional office, Attn: BWP Permit Chief. If tests must be rescheduled, 24 hours notice must be given, as specified in 40 CFR 75.61(a)(5).
	(17) A previously approved protocol may be referenced at the time of test notification provided that the referenced protocol was completed in accordance with current 40 CFR Part 75 procedures, addresses all previous DEP protocol comments to the satisfaction of the DEP, and none of the information has changed. If a revised protocol must be submitted, it must be submitted at least 21 days prior to the scheduled test date.
	(18) A hardcopy of the QA RATA or Appendix E/LME test results must be submitted to both the DEP Lawrence and DEP Regional offices within 45 days of completion of tests. The electronic results must be submitted in the quarterly electronic data report (EDR).
	(19) Results from QA daily Calibrations, quarterly Linearity checks and Appendix D Fuel Flowmeter tests must be reported electronically in the EDR submittal for the quarter in which the testing occurs.
	(20) In accordance with 310 CMR 7.29(7)(g), Mt. Tom shall submit the results of all mercury emissions, monitor, and optimization test reports, along with supporting calculations, to the Department within 45 days after completion of such testing.
	(21) In accordance with Conditional Approval No. 1-P-05-014, at least 60 days prior to commencing construction of the NH3 CEM system, protocols and plans for the new NH3 CEMs, and supporting documentation, shall be submitted to the Department for review and approval.
	(22) In accordance with Conditional Approval No. 1-P-05-014 for the SCR system, Mt. Tom shall ensure that a final emissions test results report is submitted to the Department within 60 days of completion of the emissions testing program.
	(23) All notifications and reporting required by Conditional Approval No. 1-P-05-014 shall be made to the attention of:  Department of Environmental Protection Bureau of Waste Prevention 436 Dwight Street Springfield, Massachusetts 01103 ATTN: Chief, Compliance and Enforcement Section Telephone: (413) 755-2131 Fax: (413) 784-1149
	(24) In accordance with Conditional Approval No. 1-P-05-014, Mt. Tom shall notify the Department by telephone or fax as soon as possible but no later than three (3) business days after the occurrence of any upsets or malfunctions to the proposed facility equipment (SCR), air pollution control equipment, or monitoring equipment which results in an excess emission to the ambient air and/or a condition of air pollution.
9C	(25) In accordance with Conditional Approval No. 1-P-05-014, Mt. Tom shall notify the Department in writing within 10 days after each activity listed below occurs:  a) The date construction commences on each phase of the SCR System; b) The date each phase of the SCR System construction is completed; c) The date the boiler attains the maximum production rate; and d) The date the boiler is available for commercial operation (as defined by ISO New England, Inc.) with the SCR System in continuous operation.
	(26) In accordance with 310 CMR 7.03(2), Mt. Tom shall report to the Department any construction, substantial reconstruction or alteration, as described in 310 CMR 7.03, on the next required source registration.



Table 6 (continued)	
EU #	Reporting Requirements
Facility-wide	(27) In accordance with 310 CMR 7.12(2), Mt. Tom shall submit a Source Registration/Emission Statement form to the Department on an annual basis.
	(28) In accordance with 310 CMR 7.00 Appendix C(10)(c) and the Operating Permit Reporting Kit, Mt. Tom shall submit to the Department two summaries (one by January 30 for the time period July through December of the previous calendar year, and the other by July 30 for the time period January through June of the current calendar year) of all monitoring data and related supporting information. The summaries shall correspond to items in Table 4 of this Operating Permit.
	(29) In accordance with 310 CMR 7.13(1)(d), Mt. Tom shall submit to the Department any stack test results for any air contaminant obtained from stack testing required by the Department within such time as agreed to in the approved test protocol.
	(30) Mt. Tom shall submit Emissions Compliance Testing (Stack Testing) Reports in accordance with 310 CMR 7.19(13)(c).
	(31) In accordance with 310 CMR 7.00 Appendix C(10)(a), Mt. Tom shall submit to the Department any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by the Department or EPA.
	(32) In accordance with approval 1-E-01-072, Mt. Tom shall submit by January 15, April 15, July 15 and October 15 for the previous three months respectively, a 7.29 construction status report which identifies the construction activities which have occurred during the past three months, and those activities anticipated for the following three months, and progress toward achieving compliance with the implementation dates identified in the compliance schedule in Section 8.
	(33) Mt. Tom shall submit annual and semi-annual compliance certifications in accordance with Section 10.

### **Table 6 Notes**

1. If the ISO final settlement of actual electrical output is not available, the facility shall submit a compliance report based on provisional values of actual electrical output. Upon receiving certified ISO values of actual electrical output for all provisional months within the calendar year, the facility shall submit a revised compliance report within 30 days thereafter.

C. **GENERAL APPLICABLE REQUIREMENTS** - The Permittee shall comply with all general applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. **REQUIREMENTS NOT CURRENTLY APPLICABLE** - The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs less than 250 people.
42 U.S.C. 7401, § 112 (r): Prevention of Accidental Releases	Facility does not store, use or process any of the listed compounds in quantities greater than thresholds.
40 CFR Part 82: Protection of Stratospheric Ozone	Facility no longer services its air conditioners; performed by outside contractor

## **5. SPECIAL TERMS AND CONDITIONS**

The Permittee is subject to the following special provisions that are not contained in Tables 3, 4, 5, and 6:

### **1. State NO<sub>x</sub> Allowance Program**

- a. EU 1B is subject to the requirements of NO<sub>x</sub> Allowance Program, 310 CMR 7.27. The Department issued a Phase I Emission Control Plan (ECP) for this facility on November 28, 1997.
- b. As per 310 CMR 7.27(6), The Authorized Account Representative (AAR) or Alternate Authorized Account Representative (AAAR) may buy, sell, trade, or transfer allowances for or between NO<sub>x</sub> Allowance Tracking System (NATS) compliance accounts at any time, up until December 31 of the corresponding ozone season. By December 31 of each year, the AAR must hold in the NO<sub>x</sub> NATS compliance account at least one allowance for each ton of NO<sub>x</sub> emitted during the corresponding ozone season (May 1 through September 30). The number of allowances actually held in a NATS compliance account for an affected EU may differ from the number allocated by the Department.
- c. EU 1B is classified as a "utility unit" under 310 CMR 7.27(6). Utility unit allocations are determined on the percentage basis listed in 310 CMR 7.27(6) Table 3 and by the procedures listed in 310 CMR 7.27(6). The percentage share for utility unit allowance allocation for the Mt. Tom Station is identified below:

EU 1B	Year			
	1999	2000	2001	2002
ORISPL Number 01606	5.04	5.04	5.04	5.04

- d. By May 1, 2003, the NO<sub>x</sub> allowance allocation for each NATS compliance account will be amended according to the new State allowance cap.
- e. As per 310 CMR 7.27(8)(c), any NO<sub>x</sub> Allowance transfers must occur as follows: The transfer request must be on a form or electronic media in a format determined by the NO<sub>x</sub> Allowance Tracking System. Requests must be submitted to the EPA and include at a minimum: (1) the account numbers identifying both the originating account and the acquiring account; (2) the names and addresses associated with the owners of the originating account and the acquiring account; and (3) the serial number for each allowance being transferred. The transfer request must be authorized and certified by the Authorized Account Representative for the originating account. The request must include the statement of certification contained in 310 CMR 7.27(8)(c)2 verbatim.
- f. As per 310 CMR 7.27(8)(i), any budget unit must make available to the Department, upon request, information regarding transaction cost and allowance price.
- g. As per 310 CMR 7.27(14)(b), each year during the period November 1 through December 31, inclusive, the Authorized Account Representative for each budget unit must request the NATS administrator to deduct current year allowances from the compliance account equivalent to the

NO<sub>x</sub> emissions from the budget unit in the current control period. The request must be submitted by the AAR to the NATS Administrator no later than December 31. The request must identify the compliance account from which the deductions should be made and, if desired, the serial numbers of the allowances to be deducted.

- h. As per 310 CMR 7.27(10)(d), the Alternative Authorized Account Representative has the same authority as the Authorized Account Representative.
- i. As per 310 CMR 7.27(15), for each control period the Authorized Account Representative for the budget unit must submit an annual compliance certification by December 31 of each year. The Compliance Certification shall contain, at a minimum the items listed in 310 CMR 7.27(15)(c)1 through 6.
- j. Modifications to the Emission Control Plan must be approved by the Department and implemented in accordance with the procedures of the final ECP.

## 2. **State NO<sub>x</sub> Allowance Trading Program**

- a. EU 1B is subject to the requirements of NO<sub>x</sub> Allowance Program, 310 CMR 7.28. The Department issued an Emission Control Plan (ECP) approval for this facility on March 25, 2002.
- b. NO<sub>x</sub> Allowance use and transfer must comply with 310 CMR 7.28(10).
- c. In accordance with 310 CMR 7.28(14), each year by November 30, for each budget unit, the total number of banked or current year allowances in its compliance or overdraft account must equal or exceed the NO<sub>x</sub> emissions from the budget unit in the current period.
- d. Each budget unit shall meter electric and/or steam output in accordance with the approved monitoring methodology contained in Table II and Table III or the ECP Approval #1-E-01-063.
  - i) In the case where billing meters are used to determine output, no QA/QC activities beyond those already performed are required. To qualify as a billing meter, the measurement device must be used to measure electric or thermal output for commercial billing under a contract. The facility selling the electric or thermal output must have different owners from the owners of the party purchasing the electric or thermal output. Any electric or thermal output values that the facility reports must be the same as the values used in billing for the output.
  - ii) Output measurement equipment must be tested for accuracy or recalibrated at least once every two years, in accordance with applicable consensus or NIST traceable standards, unless a standard allows for less frequent calibrations or accuracy tests.

## **State Acid Rain Requirements**

- 3. EU 1B is regulated in accordance with 310 CMR 7.22, *Sulfur Dioxide Emission Reductions for the purpose of Reducing Acid Rain* and must comply with an emission rate of 1.2 lb/MMBtu on a calendar year basis. SO<sub>2</sub> limits under 310 CMR 7.29 are more stringent, and therefore prevail.

4. In accordance with 310 CMR 7.22 and DEP Approval No. 1-B-90-099, Mt. Tom shall submit to the Department any application required pursuant to 310 CMR 7.02(4) necessary to implement the approved compliance plan (i.e. an approval to install/modify equipment or fuels used at the facility as required by 310 CMR 7.02(2)).
5. **Federal Phase II Acid Rain Requirements**
  - a. EU1B is a Phase II Acid Rain unit as defined by the EPA in 40 CFR Part 72. Pursuant to 40 CFR §72.71, 40 CFR §72.73, and 310 CMR Appendix C(3)(n), the Department is the permitting authority for Phase II acid rain permits. The Department issued the Phase II acid rain permit (Approval No. 1-X-97-071) for this facility on December 23, 1997 and is incorporating the renewal Phase II Acid Rain approval into this operating permit.
  - b. In accordance with DEP Approval No. 1-X-97-071, within 60 days of the end of each calendar year Mt. Tom shall hold in its SO<sub>2</sub> allowance account at least one allowance for each ton of SO<sub>2</sub> emitted during the previous year. An allowance is a limited authorization to emit SO<sub>2</sub> in accordance with the Acid Rain Program.
  - c. In accordance with DEP Approval No. 1-X-97-071, if the facility has excess emissions in any calendar year, Mt. Tom shall submit a proposed offset plan as required under 40 CFR Part 77. In addition, Mt. Tom shall pay any penalties specified in 40 CFR Part 77 and comply with the terms of an approved offset plan.
  - d. In accordance with 40 CFR Part 73, Mt. Tom's designated representative may buy, sell, trade, or transfer allowances between EU accounts at any time, except between within 60 days of the end of the calendar year and the completion of the annual SO<sub>2</sub> allowance reconciliation for the preceding year(s).
  - e. Pursuant to 40 CFR Part 73 Table 2 (as amended), EPA will annually allocate 5,609 SO<sub>2</sub> allowances during calendar years 2000 through 2009 and 5622 for calendar years 2010 and beyond.
6. *Allowance transfer deadline.* No allowance shall be deducted for purposes of compliance with an affected unit's sulfur dioxide Acid Rain emissions limitation requirements pursuant to title IV of the Act unless:
  - a. The compliance use date of the allowance is no later than the year in which the unit's SO<sub>2</sub> emissions occurred; and
  - b. Such allowance is:
    - i) Recorded in the unit's compliance subaccount; or
    - ii) Transferred to the unit's compliance subaccount not later than the allowance transfer deadline in the calendar year following the year for which compliance is being established.

#### **State Emission Standards for Power Plants**

7. In accordance with approval 1-E-01-072, if provisions or requirements from any other regulation or

permit conflict with a provision of 310 CMR 7.29, the more stringent of the provisions will apply unless otherwise determined by the Department in this Operating Permit.

8. In accordance with approval 1-E-01-072, The Department may verify compliance of 310 CMR 7.29(5) by whatever means necessary, including but not limited to: inspection of a unit's operating records; requiring the facility to submit information on actual electrical output of company generating units provided to that person by the New England Independent System Operator, or any successor thereto; testing emission monitoring devices; and, requiring the facility to conduct emissions testing under the supervision of the Department.
9. In accordance with approval 1-E-01-072 and 310 CMR 7.29(5)(b)2., the amount of SO<sub>2</sub> early reductions, along with supporting information, shall be provided to the Department prior to use for compliance with 310 CMR 7.29(5)(a)2.a. Each ton of reduction may be used, once, to offset one ton of excess emissions from the facility. Excess emissions are any emissions above a level equal to the net electrical output of the facility times the applicable emission standard in 310 CMR 7.29(5)(a)2.
10. In accordance with approval 1-E-01-072 and 310 CMR 7.29(5)(b)3., when using SO<sub>2</sub> allowances created pursuant to 40 CFR Part 72 (the Federal Acid Rain Program), three allowances shall be used to offset each ton of excess emissions above the emission standard. Such SO<sub>2</sub> allowances shall be in addition to those allowances used by the facility to comply with the requirements of 40 CFR Part 72, and shall be transferred to the Department and retired for the benefit of the environment.
11. In accordance with 310 CMR 7.29(6)(a)4, and approval 1-E-01-072, Mt. Tom, having average annual mercury emissions of less than 5 pounds, calculated using the results of the stack tests required in 310 CMR 7.29(5)(a)3.d.ii., may use early or off-site mercury reductions to demonstrate compliance with its annual mercury cap of 4.1 pounds through September 30, 2012. Any early mercury reductions shall be accrued on-site at the stack prior to Oct. 1, 2006. Any off-site mercury air emission reductions shall be accrued on at least a one pound reduced for one pound credited basis from facilities located in the Western Region. Any other off-site mercury reductions shall be accrued on at least a ten pounds reduced for one pound credited basis from facilities located in the Western Region.

**SCR Ammonia Requirements (in accordance with Conditional Approval No. 1-P-05-014)**

12. Mt. Tom shall perform an NH<sub>3</sub>/NO<sub>x</sub> optimization/minimization program prior to compliance testing with the SCR. The goal of the optimization program is to achieve NH<sub>3</sub> slip 5 ppm<sub>vd</sub> @ 3% O<sub>2</sub> or less. Following the optimization program, the Department reserves the right to establish new NH<sub>3</sub> emission limits that are less than the limits defined in Table 3 above.
13. Mt. Tom shall submit Standard Operating and Maintenance Procedures (SOMP) for the new SCR equipment to the Department no later than 60 days after commencement of operation of the proposed facility. Thereafter, Mt. Tom shall submit updated versions of the SOMP to the Department no later than 30 days prior to the occurrence of a significant change. The Department must approve in writing any significant changes to the SOMP prior to the SOMP becoming effective.
14. Mt. Tom shall, within 60 days after the submittal to the Department of the SCR compliance test report, propose a surrogate methodology or parametric monitoring for NH<sub>3</sub> emissions based on compliance test results, NH<sub>3</sub> CEMs and operating experience.

15. The basis for NH<sub>3</sub> emission compliance determination will convert, with Department approval, from compliance testing to the NH<sub>3</sub> CEM system upon a CEM system demonstration that the relative accuracy of the NH<sub>3</sub> CEM system is within +/- 15% and the NH<sub>3</sub> CEM system was operating 90% of the time during the same period.
16. Mt. Tom shall meet the NH<sub>3</sub> hourly emission limits approved herein within two hours from initiating NH<sub>3</sub> feed to the SCR. During shutdown of the NH<sub>3</sub> system, Mt. Tom will be exempt from the hourly limits during the last hour of the NH<sub>3</sub> feed to the SCR.
17. Mt. Tom, within 12-months of the date the boiler is available for commercial operation with the SCR system in continuous operation, shall propose a new NH<sub>3</sub> emission limit (5 ppmvd or lower) and provide supporting justification for new proposed emission limits taking into consideration the NH<sub>3</sub>/NO<sub>x</sub> optimization/minimization program emission test data, compliance emission test data, NH<sub>3</sub> CEM data and operating experience. The Department will establish a final NH<sub>3</sub> emission limit after review of Mt. Tom's proposed final emission limits and supporting documentation.

**SCR General Requirements (in accordance with Conditional Approval No. 1-P-05-014)**

18. Mt. Tom shall properly train all personnel to operate the proposed facility and control equipment (SCR) in accordance with vendor specifications.
19. All requirements of Conditional Approval No. 1-P-05-014 that apply to the Mt. Tom shall apply to all subsequent owners and/or operators of the facility.
20. Mt. Tom shall maintain the standard operating and maintenance procedures for all air pollution control equipment in a convenient location (e.g., control room/technical library) and make them readily available to all employees.
21. Mt. Tom shall comply with all provisions of 310 CMR 6.00-8.00 that are applicable to this facility.
22. Conditional Approval No. 1-P-05-014 may be suspended, modified, or revoked by the Department if, at any time, the Department determines that the facility is violating any condition or part of the Approval.
23. Conditional Approval No. 1-P-05-014 does not negate the responsibility of Mt. Tom to comply with this or any other applicable federal, state, or local regulations now or in the future.
24. The facility shall be operated in a manner to prevent the occurrence of sound, dust or odor conditions which cause or contribute to a condition of air pollution as defined in Regulations 310 CMR 7.01 and 7.09.
25. Should asbestos remediation/removal be required as a result of Conditional Approval No. 1-P-05-014, such asbestos remediation/removal shall be done in accordance with Regulation 310 CMR 7.15 and 310 CMR 4.00.
26. Any proposed increase in emissions above the limits contained in Conditional Approval No. 1-P-05-014 must first be approved in writing by the Department pursuant to 310 CMR 7.02. In addition, any emissions increase may subject the facility to additional regulatory requirements.

27. No person shall cause, suffer, allow, or permit the removal, alteration or shall otherwise render inoperative any air pollution control equipment or equipment used to monitor emissions which has been installed as a requirement of 310 CMR 7.00, other than for reasonable maintenance periods or unexpected and unavoidable failure of the equipment, provided that the Department has been notified of such failure, or in accordance with specific written approval of the Department.
28. The proposed facility (SCR) shall be constructed and operated in strict accordance with Conditional Approval No. 1-P-05-014. Should there be any inconsistencies between the Mt. Tom's Non-Major Comprehensive Plan Applications (Transmittal No. W058871) and Conditional Approval No. 1-P-05-014, Conditional Approval No. 1-P-05-014 shall govern.
29. All provisions contained in existing plan approvals concerning the subject facility issued by the Department to Mt. Tom and/or previous owners, remain in effect other than those specifically altered herein.

**SCR CONSTRUCTION REQUIREMENTS (in accordance with Conditional Approval No. 1-P-05-014)**

During the construction phase of the proposed modifications at the facility (SCR), Mt. Tom shall ensure that facility personnel take all reasonable precautions (noted below) to minimize air pollution episodes (dust, odor, noise):

30. Facility personnel shall exercise care in operating any noise generating equipment (including mobile power equipment, power tools, etc.) at all times to minimize noise.
31. Construction vehicles transporting loose aggregate to or from the facility shall be covered and shall use leak tight containers.
32. The construction open storage areas, piles of soil, loose aggregate, etc. shall be covered or watered down as necessary to minimize dust emissions.
33. Any spillage of loose aggregate and dirt deposits on any public roadway, leading to or from the proposed facility shall be removed by the next business day or sooner, if necessary.
34. On site unpaved roadways/excavation areas subject to vehicular traffic shall be watered down as necessary or treated with the application of a dust suppressant to minimize the generation of dust.

**Other**

35. In accordance with the Department CH 494 Approval dated July 22, 1981 (as amended March 14, 1984 and December 17, 1986), in the event of an air pollution episode Mt. Tom shall reduce the electric production rate of the Mt. Tom Station within six hours after notification by the Department. The reduction shall achieve an SO<sub>2</sub> emission rate equivalent to, or lower than, the emission rate that would result from burning fuel oil having a sulfur content of 1% by weight. Mt. Tom shall notify the Department's Western Regional Office immediately upon completion of the production rate reduction.
36. In accordance with 310 CMR 7.10 and DEP Approval No. PV-82-C-005, Mt. Tom shall not cause or allow emissions of sound of sufficient intensity and/or duration so as to cause or contribute to a

condition of air pollution. (State only applicable)

37. In accordance with 310 CMR 7.09, Mt. Tom shall not cause or allow emissions of odor or dust that cause or contribute to a condition of air pollution. (State only applicable)

## **6. ALTERNATIVE OPERATING SCENARIOS**

The Permittee did not request alternative operating scenarios in its operating permit application.

## **7. EMISSIONS TRADING**

### **A. Intra-facility emission trading**

The facility did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies the United States Environmental Protection Agency (EPA) and the Department at least fifteen days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to the Department pursuant to 310 CMR 7.00: Appendix B.

### **B. Inter-facility emission trading**

The Permittee did not request inter-facility emissions trading in its operating permit application.

All increases in emissions due to emission trading must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et. seq. (the "Act"), and provided for in this permit.



## **8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5. In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

The Permittee is subject to the requirements of 310 CMR 7.29, Emission Standards for Power Plants. The Department issued a Final Emission Control Plan (ECP) (1-E-01-072, Transmittal No. W025214) on June 7, 2002, describing how emission limitations and compliance schedules for the control of certain designated air pollutants contained in 310 CMR 7.29 will be implemented for equipment and processes at Mt. Tom.

The Permittee shall be in full compliance with the applicable requirements in accordance with the dates below:

Date	Pollutant	Standard	Emission Rate
2003	SO <sub>2</sub>	Approval 1-E-01-072 (June 7, 2002)	≤ 10.0 lbs/MWh in the calendar year
October 31, 2003	NO <sub>x</sub>	Approval 1-E-01-072 (June 7, 2002)	≤ 3.5 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly
2004	SO <sub>2</sub>	Approval 1-E-01-072 (June 7, 2002)	≤ 9.0 lbs/MWh in the calendar year
October 31, 2004	NO <sub>x</sub>	Approval 1-E-01-072 (June 7, 2002)	≤ 2.8 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly
October 1, 2006	NO <sub>x</sub>	310 CMR 7.29(5)(a)1.a.	≤ 1.5 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly
	SO <sub>2</sub>	310 CMR 7.29(5)(a)2.a.	≤ 6.0 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly
October 1, 2006	Hg	310 CMR 7.29(5)(a)3.c.	Total annual mercury emissions from combustion of solid fuels in units subject to Part 72 located at an affected facility shall not exceed 4.1 pounds, the average annual emissions calculated using the results of the stack tests required in 310 CMR 7.29(5)(a)3.d.ii.
2006	CO <sub>2</sub>	310 CMR 7.29(5)(a)5.a.	1,117,569 tons in the calendar year
October 1, 2008	NO <sub>x</sub>	310 CMR 7.29(5)(a)1.b.	≤ 3.0 lbs/MWh calculated over any individual month
	SO <sub>2</sub>	310 CMR 7.29(5)(a)2.b.	≤ 3.0 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly; and ≤ 6.0 lbs/MWh calculated over any individual month
2008	CO <sub>2</sub>	310 CMR 7.29(5)(a)5.b.	≤ 1800 lbs/MWh in the calendar year
January 1, 2008	Hg	310 CMR 7.29(5)(a)3.e	total mercury removal efficiency of ≥85%, rolling 12 month basis; or total mercury emissions rate of ≤0.0075 lbs/GWh, rolling 12 month basis
January 1, 2012	Hg	310 CMR 7.29(5)(a)3.f	total mercury removal efficiency of ≥95%, rolling 12 month basis; or total mercury emissions rate of ≤0.0025 lbs/GWh, rolling 12 month basis

### Legend to Abbreviated Terms:

NO<sub>x</sub> = Nitrogen Oxides

CO<sub>2</sub> = Carbon Dioxide

≥ = greater than or equal to

SO<sub>2</sub> = Sulfur Dioxide

Hg = Mercury

GWh - gigawatt-hour

## **GENERAL CONDITIONS FOR OPERATING PERMIT**

### **9. FEES**

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to the Department shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the Department's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>.

#### **a. Annual Compliance Report and Certification**

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the Department and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the Department to determine the compliance status of the source.

b. Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the Department. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the Department to determine the compliance status of the source.

## **11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the Department and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable federal, state, or local rules and regulations, not addressed in this permit.

## **12. PERMIT SHIELD**

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

- B. The Department has determined that the Permittee is not currently subject to the requirements listed in Section 4, Part D.
- C. Nothing in this permit shall alter or affect the following:
- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
  - (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
  - (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

### **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.02(8)(i), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA, or citizens.

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the Department, EPA, and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **14. PERMIT TERM**

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

### **15. PERMIT RENEWAL**

Upon the Department's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the Department on the renewal application.

In the event the Department has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the Department takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

## **16. REOPENING FOR CAUSE**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the Department and/or EPA. The responsible official of the facility may request that the Department terminate the facility's operating permit for cause. The Department will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

## **17. DUTY TO PROVIDE INFORMATION**

Upon the Department's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall furnish to the Department copies of records that the Permittee is required to retain by this permit.

## **18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the Department a material error or omission in any records, reports, plans, or other documents previously provided to the Department.

## **19. TRANSFER OF OWNERSHIP OR OPERATION**

This permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new Permittee, has been submitted to the Department.

## **20. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

## **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the Department, and EPA to perform the following as per 310 CMR 7.00 Appendix C(3)(g)(12):

- A. enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- B. have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements.

## **22. PERMIT AVAILABILITY**

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the Department or EPA.

## **23. SEVERABILITY CLAUSE**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this permit as a result of an emergency<sup>2</sup>. In order to use

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent

emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- D. the Permittee submitted notice of the emergency to the Department within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to Section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the Department's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.

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caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit available to the permittee via the Department's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>.

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations which do not require 3 day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the Department written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes,



for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This permit is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the Department's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P. O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.